

Program: Acquisition
Level: Cooperative

Information Provided by: Debra Williams, The Nature Conservancy, Indiana Field Office

Name of Program: Indiana Natural Heritage Protection Campaign (INHPC)

Purpose: The \$10 million INHPC program was designed to protect the core of Indiana's nature preserve system by acquiring the State's best examples of prairie, wetland and forest. The Nature Conservancy and the State of Indiana joined forces to form the INHPC program which is funded 50% from public appropriations and 50% from private contributions. This program relies upon an inventory completed by the Heritage Program that identified Indiana's significant natural areas and the plants and animals that are found in the State.

Funding Source: 50% from public appropriations and 50% from private contributions.

Date of Inception: 1984

Target Lands: Property identified by the Heritage Program as containing significant natural features, plants and animals.

Application Process: Voluntary sales of property from landowners within the target areas.

Has program been evaluated? How? Periodic reports to funders including the Lilly Foundation. (Copies of reports are on file at the Indiana Field Office, The Nature Conservancy.)

Contact Person:	Dennis J. McGrath The Nature Conservancy 1330 West 38th Street Indianapolis, IN 46208 Ph: (317) 923-7547 Fax: (317) 923-7582	or	John Bacone Division of Nature Preserves 402 W. Washington W267 Indianapolis, IN 46204 Ph: (317) 232-4052 Fax: (317) 233-0133
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Comments: Over 11,000 acres of preserve ground have been protected by this program. Program is 3/4 complete, and ends when funds are exhausted.

Program: Regulatory
Level: Federal

Information Provided by: John Konik, U.S. Army Corps of Engineers, Detroit District, Regulatory Branch

Name of Program: Clean Water Act, Section 404, Permit Program (33 U.S.C. 1344)

Purpose: Prohibits the discharge of dredged or fill material into waters of the United States without a permit from the Corps of Engineers.

Administrating Agency: US Army Corps of Engineers

Regulatory Process:

The permit program is administered by the Secretary of the Army, acting through the Chief of Engineers. Anyone wishing to discharge dredged or fill material into waters of the United States must receive a Department of the Army (DA) permit from the Corps of Engineers. DA permit applications are submitted to the Corps' district offices for processing. Depending upon the nature and proposed location of the project, a DA permit is determined to either qualify for a nationwide or regional permit or an individual permit must be processed. Nationwide and regional permits are types of "general permits" or DA authorizations that are issued on a nationwide or regional basis for a category or categories of activities that are substantially similar in nature and cause only minimal individual and cumulative environmental impacts. Individual permits are DA authorizations that are issued following case-by-case evaluations of specific projects.

Date of Inception:

On October 18, 1972, Congress enacted the Federal Water Pollution Control Act Amendments of 1972 (FWPCA). On April 4, 1974, the Corps of Engineers published final revisions to its permit regulation (33 CFR 209.120) incorporating the new permit program established under Section 404.

Has the regulation been evaluated? How?

Since its inception, Section 404 has been evaluated almost continually. There have been numerous court decisions resulting in revisions to regulations under which the Corps administers the permit program.

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Detroit, MI 48231
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Fax:(313) 226-6763
e-mail: ncecojk9@smtp.ncd.usace.army.mil

Comments:

Section 404 and implementing regulations have been revised on numerous occasions, as stated above. The best summary (ies) I have seen regarding the evolution of Section 404 regulations is presented at the beginning of each of the Federal Register publications announcing changes to the Corps' permit program. In particular, I have found the Summary and Supplementary Information sections to be most helpful. These can be found in the documents listed on the following page.

Federal Register, July 19, 1977, Regulatory Program of the Corps of Engineers

Federal Register, September 19, 1980, Proposal to Amend Permit Regulations for Controlling Certain Activities in Waters of the United States

Federal Register, July 22, 1982, Interim final Rule for Regulatory Programs of the Corps of Engineers

Federal Register, May 12, 1983, Proposal to Amend Permit Regulations for Controlling Certain Activities in Waters of the United States

Federal Register, October 5, 1984, Final Regulations for Controlling Certain Activities in Waters of the United States

Federal Register, November 13, 1986, Final Rule for Regulatory Programs of the Corps of Engineers

Federal Register, November 22, 1991, Final Rule for Nationwide Permit Program Regulations and Issue, Reissue, and Modify Nationwide Permits

Federal Register, August 25, 1993, Clean Water Act Regulatory Programs

Program: Regulatory
Level: Federal

Information Provided by: Dennis Clark, Indiana Department of Environmental Management, Office of
Water Management

Name of Program: Clean Water Act, Section 401, Water Quality Certification

Purpose: To assure that projects requiring federal permits, generally under CWA Section 404 or Section 10, do not cause violations of State water quality standards or significant adverse impacts to waters of the State.

Administrating Agency: Indiana Department of Environmental Management (IDEM)

Regulatory Process: Applicants for federal permits may be required to obtain this certification. Under CWA Section 404 or Section 10, application is made to U.S. Army Corps of Engineers. Corps determines type of permits required. If permit required is a nationwide permit, applicant may be required to apply directly to IDEM for certification. If permit is an individual permit, IDEM receives copy of public notice and uses this as application for certification.

Date of Inception: 1972 (approx.)

Has the regulation been evaluated? How? Yes. CWA reauthorization.

Contact Person: Dennis Clark
IDEM, Office of Water Management
100 N. Senate
P.O. Box 6015
Indianapolis, IN 46206-6015
Ph: (317) 233-2482
Fax: (317) 232-8637

Comments:

Program: Regulatory
Level: Federal

Information Provided by: Lillian V. Woods, Natural Resources Conservation Service

Name of Program: Wetland Conservation (Swampbuster) Provision

Purpose: To support the President's goals for protecting America's wetlands and, over time, will help achieve a net gain in the functions and values of the valuable resources.

Administrating Agency: Natural Resources Conservation Service

Regulatory Process: Producers who participate in certain USDA programs and plant agricultural commodities on converted wetlands and/or convert wetlands may lose eligibility for benefits.

Date of Inception: December 23, 1985 Food Security Act of 1985, as amended by November 28, 1990 Food, Agriculture, Conservation and Trade Act of 1990, as amended by April 4, 1996 Federal Agricultural Improvement and Reform Act of 1996.

Has the regulation been evaluated? How? The regulation has been evaluated by Office of General Counsel, Office of Inspector General and internally by agency.

Contact Person: Lillian V. Woods
6013 Lakeside Blvd.
Indianapolis, IN 46278
Ph: (317) 290-3202
Fax: (317) 290-3225

Comments: Local field offices are responsible for providing technical assistance to producers on Wetland Conservation Provisions.

Program: Regulatory
Level: State

Information Provided by: Ed Hansen, Indiana Department of Natural Resources, Division of Fish and Wildlife

Name of Program: Indiana Flood Control Act, IC 14-28-1, Rule 310 1AC 6-1

Purpose: In the Flood Control Act's preamble, the General Assembly declared that "... the loss of lives and property caused by floods and the damage resulting from floods is a matter of deep concern to Indiana affecting the life, health, and convenience of the people and the protection of property." Furthermore, "... the channels and that part of the flood plains of rivers and streams that are the floodways should not be inhabited and should be kept free and clear of interference or obstructions that will cause any undue restriction of the capacity of the floodways."

Administrating Agency: Indiana DNR, Division of Water

Regulatory Process: Any construction, deposition, excavation, or structure in the floodways of streams and rivers, requires a permit from DNR.

Date of Inception: 1945

Has the regulation been evaluated? How?

Contact Person: Mike Neyer
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Indianapolis, IN 46204
Ph: (317) 232-4160
Fax: (317) 233-4579

Comments:

Program: Regulatory
Level: State

Information Provided by: Ed Hansen, Indiana Department of Natural Resources, Division of Fish and Wildlife

Name of Program: Lakes Preservation Act, IC 14-26-2, Rule 310 1AC 6-2

Purpose: The Lakes Preservation Act states that the natural resources and natural scenic beauty of Indiana's public freshwater lakes are a public right. It further states that the general public "has a vested right in the . . . preservation, protection, and enjoyment of all public freshwater lakes . . . in their present state" and in the " . . . use of the public freshwater lakes for recreational purposes." To ensure that these rights are preserved, the Act provides the State with " . . . full power and control of all of the public freshwater lakes" and mandates that the State hold and control " . . . all public freshwater lakes in trust for the use of all citizens of Indiana."

Administrating Agency: Indiana DNR Division of Water

Regulatory Process: Any activity which will result in the alteration of a public freshwater lake bed or shoreline requires a permit from the DNR.

Date of Inception: 1947

Has the regulation been evaluated? How? Regulations are periodically reviewed by legislative study committees. This involves a public forum with the regulator and the regulated providing input. Rules must receive public input every 7 years.

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Comments:

Program: Regulatory
Level: State

Information Provided by: Ed Hansen, Indiana Department of Natural Resources, Division of Fish and Wildlife

Name of Program: Lowering of Ten Acre Lakes Act, IC 14-26-5

Purpose: To provide safeguards against the lowering of a freshwater lake's water level as the result of a ditch and/or drain activity.

Administrating Agency: Indiana DNR

Regulatory Process: Any ditch and/or drain work within 1/2 mile of a public freshwater lake's shoreline and has a bottom depth below the lake's normal level requires a permit.

Date of Inception: 1947

Has the regulation been evaluated? How?

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Comments:

Program: Regulatory
Level: State

Information Provided by: Ed Hansen, Indiana Department of Natural Resources, Division of Fish and Wildlife

Name of Program: Navigable Waterways Act, IC 14-29-1, Rule 310 1AC 21

Purpose: The General Assembly charged the Department of Natural Resources with oversight of the State's navigable waters in the Powers and Duties of the Department Act, IC 14-19-1-1 (9), by stating " . . . the Department shall . . . have general charge of the navigable water of Indiana." To carry out this regulatory responsibility, the Assembly created several permitting programs, including Section 8 of the navigable Waterways Act.

Administrating Agency: Indiana DNR

Regulatory Process: Any activity below the ordinary highwater mark of a navigable waterway involving the placement, filling or erection of a permanent structure in; water withdrawal from; or material extraction from; requires a permit from DNR.

Date of Inception: 1905

Has the regulation been evaluated? How?

Contact Person: Mike Neyer
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Comments:

Program: Regulatory
Level: State

Information Provided by: Dennis Clark, Indiana Department of Environmental Management, Office of
Water Management

Name of Program: Indiana Water Quality Standards (327 IAC 2-1)

Purpose: Regulate and prevent pollution of Indiana's water resources

Administrating Agency: Water Pollution Control Board with IDEM

Regulatory Process: Water quality standards are promulgated by the Water Pollution Control Board and approved by U.S. EPA. These are used to regulate activities that may cause impacts to water quality in State waters, including wetlands.

Date of Inception: 1947 (approx.)

Has the regulation been evaluated? How? Yes, reviewed and, if necessary, revised every three years.

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Comments:

Program: Regulatory
 Level: Private/Local
 City Councils

Information Provided by: Michael Walter, Member, Common Council, City of Auburn

Name of Program: City of Auburn Wetlands Conservation Ordinance

Purpose: To guide development in and around delineated wetlands of five acres or more in order to avoid or minimize damage to wetlands.

Administrating Agency: City of Auburn Department of Building, Planning & Economic Development

Regulatory Process: Ordinance establishes "wetland overlay districts" based on National Wetlands Inventory. Application for improvement location permit within district or abutting it must be accompanied by professional delineation of wetland boundary. Most forms of intensive development prohibited inside wetland. 25-foot buffer zone and erosion controls minimize adverse impact of adjacent development. Decisions appealable to Board of Zoning Appeals.

Date of Inception: 1989

Has the regulation been evaluated? How?

No. However a major street extension project is being routed around Auburn's largest wetland, with the wetland itself being preserved for low-impact storm water retention. No excavation or construction inside the wetland itself is planned, though a structure regulating overflow to an adjacent regulated drain may be needed in the future.

Contact Person: Michael Ley
 Auburn City Zoning Administrator
 City Hall
 P.O. Box 506
 Auburn, IN 46706
 Ph: (219) 925-6449

Comments:

Exploring Wetlands

Children are each given an animal or a plant that would be found in a wetland. As I read a story about the wetland, kids bring their objects up and place them on the chalkboard. By the end of the story, we have built a complete wetland.

Next, I read the book "SQUISH, A Wetland Walk." The third part of the activity includes a touchy, feely bag. I ask for volunteers. I blindfold the students and hand them an object. They have to guess what the object is. The box includes--turtle shell, crab pinchers, mussel shells, water, feathers, rush plant, grass cattail, and plastic frog.

A synopsis of the Sycamore Land Trust

The Sycamore Land Trust's mission is "the preservation of our disappearing landscape." It is a nonprofit organization, incorporated in the State of Indiana. The Sycamore Land Trust is recognized by the IRS as a 501(c)(3) organization. As such, contributions to the organization are tax deductible.

The organization has been operating since 1990. It currently owns five properties totaling over 240 acres. One property is in Bartholomew County and four are in Monroe County. One property is a state dedicated nature preserve. Several projects are currently in progress. Properties are open to the public.

The Sycamore Land Trust is an all volunteer, membership based, organization. Currently, there are over 150 members. Membership is open to anyone, with a basic membership of \$10.00 per year.

The organization is controlled by a fifteen person Board of Directors elected by members at an annual meeting. Board members serve three-year terms. The president, secretary, and treasurer are appointed by the Board of Directors.

The organization is a member of the Land Trust Alliance, a national umbrella organization of land trusts. The Sycamore Land Trust is insured through the Land Trust Alliance's group policies.